

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The Examiner is thanked for considering claim 9, 10 and 13 to be allowable if rewritten in independent form.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-18 are pending. Claim 1 is amended, without prejudice. No new matter is added. The amendments are fully supported by the specification and the original claims.

Applicants expressly state that the claims, as amended, are intended to include and encompass the full scope of any equivalents as if the claims had been originally filed and not amended. Thus, Applicants hereby expressly rebut any presumption that Applicants have narrowed or surrendered any equivalents under the doctrine of equivalents by amending the claims, or by presenting any remarks in this paper, and in no way do Applicants disclaim any of the territory between the original claims and the amended claims with respect to any equivalent subject matter.

As this paper is submitted within the three-month term for reply set by the December 29, 2004 Office Action, no fee is believed due. If, however, a fee is necessary for consideration of this paper, authorization is given to charge the amount of any such fee, or credit any overpayment, to Deposit Account No. 08-2525.

II. 35 U.S.C. §112 REJECTION

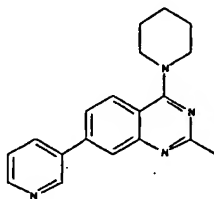
Claims 1-7, 11, 12 and 14-18 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The amendment to claim 1 for purposes of clarity renders the rejection moot.

Consequently, reconsideration and withdrawal of the Section 112, second paragraph, rejection are respectfully requested.

III. 35 U.S.C. §§102/103 REJECTIONS

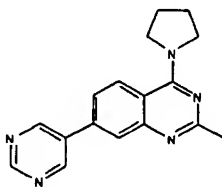
Claims 1-4, 8, 11, 12, 14, 15 and 18 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by WO 02/20488 ("Breu et al."). Further, claims 16 and 17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Breu et al. The rejections will be collectively addressed and are respectfully traversed. The cited document fails to teach, enable, suggest or motivate a skilled artisan to practice the instantly claimed invention.

The instant invention is directed to, for example, a compound wherein the C-7 position of the quinazoline ring is connected to the oxygen or nitrogen atom of R¹. The Examiner believes that Breu et al. reads on Applicants' compounds. Applicants disagree. Breu et al. does not disclose or suggest, for example, O-R⁴ or -N(R⁵)(R⁶) connected to C-7. Instead, the Breu et al. compounds relied upon by the Examiner disclose the following structures:



2-methyl-4-piperidin-1-yl-7-pyridin-3-yl-quinazoline (Breu, example 2.4),

and



2-methyl-7-pyrimidin-5-yl-4-pyrrolidin-1-yl-quinazoline (Breu, example 2.5).

Neither of these two compounds have an oxygen or a nitrogen atom connected to the C-7 position of the quinazoline ring, as instantly claimed. Therefore, as Breu et al. fails to teach,

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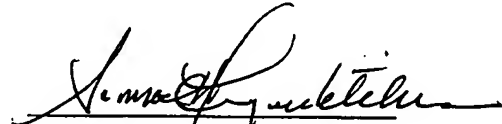
enable, suggest or motivate a skilled artisan to practice Applicants' invention, both the Section 102 and 103 rejections must fail as a matter of law.

Consequently, reconsideration and withdrawal of the Section 102 and 103 rejections are respectfully requested.

CONCLUSION

In view of the remarks and amendments herewith, the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned to discuss any issues with respect to this application.

Respectfully submitted,



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